

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN THE MATTER OF THE COMPLAINT
OF BLUE DOLPHIN CHARTERS, LTD.
AND TERRY DONNELLY, AS OWNERS
OF THE VESSEL M/V BLUE DOLPHIN,
O/N 1082213, FOR EXONERATION
FROM AND/OR LIMITATION OF
LIABILITY

Civil No. CV05-
00037 HG BMK

CERTIFIED

COPY

FULL CAPTION CONTINUED ON NEXT PAGE

VIDEOTAPED DEPOSITION OF LYNDA JEAN MITIC

Friday, September 30, 2005

Ellicott City, Maryland

9:32 a.m.

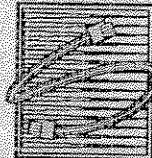
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EXHIBIT

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09:59:22 1 A Yes.

09:59:22 2 Q Okay. Before the accident were you given
09:59:26 3 any reason to suspect that there were scuba divers in
09:59:29 4 the water at Makole?

09:59:34 5 A No.

09:59:35 6 Q When you were snorkeling, where did you
09:59:36 7 snorkel? Were you snorkeling in shore from the
09:59:40 8 anchorage or seaward?

09:59:42 9 A We were told very specifically by our
09:59:44 10 captain before we got in the water that we were to
09:59:47 11 stay in the water toward the shoreline, that we were
09:59:50 12 not to go in front of the boat, because, as he put it,
09:59:54 13 this is like a highway.

09:59:55 14 Q Did you abide by that instruction?

09:59:57 15 A Definitely.

09:59:57 16 Q And how about your husband, did he?

10:00:00 17 A Definitely.

10:00:01 18 Q Generally speaking, did the folks who dove
10:00:03 19 from Akialoa abide the skipper's instruction?

10:00:07 20 A You know, I was pretty preoccupied with what
10:00:09 21 I was doing, but my impression was that the majority
10:00:12 22 of us had done so. There was someone on the -- one of
10:00:16 23 the gentlemen who worked on the Akialoa was on a
10:00:20 24 surfboard as I recall, and he was monitoring, and I
10:00:23 25 would assume he steered anybody back that chose to

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Jacquelyn Continetti Scott, Registered
3 Professional Reporter, the officer before whom the
4 foregoing deposition was taken, do hereby certify that
5 the foregoing transcript is a true and correct record
6 of the testimony given; that said testimony was taken
7 by me stenographically and thereafter reduced to
8 typewriting under my supervision; and that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to this case and have no interest,
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 16th day of
14 October, 2005.

15

16 My commission expires:

17 October 1, 2006

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21 NOTARY PUBLIC IN AND FOR

22 THE STATE OF MARYLAND

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